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Court of Appeals of Maryland No. 147 Country Town 1951 - Filed June 19 1955

HARRY SCHIFF AND OSCAR SANDLER ET AL. BOARD OF ZONING APPEALS OF BALTIMORE COUNTY AND GREENSPRING MANOR, INC.

Appeal from the Circuit Court for Baltimore County, Fig. Argued by Max R. Israelson, (Joseph S. Kaufman on the cief) both of Baltimore, Md., for appellants. over; born or Hallimore, Md., for appellants.
Argued by Meleia J. Spice, Pallimore, Md., (Charles W. Heid, Jr., Touvon, Md.; Eusenard Görfae, Hallimore, Md., and John Grason Turnbull, Townen, Md., on the brief: for annelloss Argued before BRUNE, C. J.; DELAPLAINE, COLLINS, HENDERSON and HAMMOND, JJ.

ning-Rechasification Of Law Zone-New-Conference Cor-Abou-

FETTION FOR REGIASSIFICATION - two parcels, first from am "A" Residence Zone to am "B" Commercial Zone - S. S. smith Ave. 1790 feet from Green Spring Ave., second, from am "A" Residence Zone - S. S. Smith Ave., 3150 feet E. Seven Mile Lane, Jud District, Green Spring Manor, Inc.,

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on September 17, 1953, granting the reclassification from "A" Residence Zone to "C" Residence Zone in regard to part of the property described therein, and the granting from an "A" Residence Zone to an "E" Commercial Zone and the granting of a special permit for parking as to another part thereof; and it appearing from the facts and evidence adduced at the appeal that the granting of the reclassification from an "A" Residence Zone to an "E" Commercial Zone would not be detrimental to the health, safety, and general welfare of the community, the same is reclassified as follows: That part of the 25 acres of land upon which the two airplane hangers now stand plus sufficient land surrounding them to equal three acres, exclusive of streets and walks. The remainder of said 25 acres shall remain in an $^{\rm H}A^{\rm H}$ Residence classification, except that a special permit is granted to use said remainder, or any part thereof, for automobile parking in connection with the commercial property; provided further that at least 15 acres shall be set aside exclusively for parking. The entire tract of 52 acres is denied reclassification from "A" Residence Zone to "G" Residence Zone, on this 10 th day of December, 1953.

-3-

OPINION OF THE BOARD OF ZONING APPEALS BALTIMORE COUNTY

This is an appeal by Harry Schiff from an Order of the Zoning Commissioner of Baltimore County dated May 26, 1953, reclassifying that part of the applicant's property containing 52 acres from "A" Residence Zone to "C" Residence Zone and reclassifying from "A" Residence Zone to "E" Commercial Zone a part of another 25 acres, and the granting of a special permit for parking in connection with the commercial area.

The case came on for hearing before the Board, testimony was taken, and counsel heard.

The property which is the subject of this petition is a tract of land lying on the south side of Smith Avenue, 1390 feet west of Greenspring Avenue, having a frontage of 2276 feet on Smith Avenue by a depth of approximately 1300 feet with a width in the rear of approximately 2500 feet.

The applicant wishes to establish a shopping center of approximately 25 acres along Smith Avenue towards the centerfront of the property with garden apartments on either side thereof and to the rear. There are no garden-type apartments in this general area within Beltimore County, and no provision was made at the time of original zoning to provide for any, nor have there been any changes which would justify this Board in grenting a reclassification for this type of housing. There are communities around the subject property that are growing rapidly and being developed with cottage-type residences, which in time will require certain limited neighborhood shopping

It is the opinion of the Board that a commercial area established in a given location prior to the full development of large areas of surrounding property is desirable and prevents

residential owners from being jeopardized in regard to their investments when at a much later date an attempt is made to set up a commercial area. The effect is that prospective home owners will know prior to purchasing where the zoning boundaries are located. There is another reason in this particular case why a commercial area on the subject property would not be injurious in that land binding on three sides thereof is owned by the applicant or is included in the subject

In regard to any detrimental effect a commercial area may have to the property on the north side of Smith Avenue. the Board noted that two large airplane hangers are on this tract and have been for a number of years, and are at the present time being used by the Bendix Corporation under a non-conforming use, and there is little likelihood of this non-conforming use being terminated.

The Board will, therefore, pass its Order granting the reclassificat'on from an "A" Residence Zone to an "g" Commercial Zone as to that part of the 25 acres of land upon which the two airplane hangers now stand plus sufficient land surrounding them to equal three acres, exclusive of streets and walks. The remainder of said 25 acres shall remain in an "A" Residence classification, except that a special permit is granted to use said remainder, or any part thereof, for automobile parking in connection with the commercial property; provided further that at least 15 acres shall be set aside exclusively for parking. The entire trant of 52 acres requested for reclassification from"A" Residence Zone to "C" Residence Zone is denied.

Upon hearing held on May 13th, 1953 on the application of

Greenspring Manor, Inc., Petition No. 2575 to reclassify 25 acres of land. more or less, on the south side of Smith Avenue from "A" residence zone

to an "E" commercial tone, and to reclassify 52 acres of land, more or less,

fronting, in part, on the south side of Smith Avenue and surrounding the

abovementioned twenty-five acres of land to the east, south and west, from an "A" residence mone to a "C" residence mone, (both of which parcels of

land being more particularly described in said application) and it appearing

from the testimony and exhibits that a reclassification of said 25 acres

from an "A" residence mone to an "E" commercial zone should be had in part

only. Therefore as to said 25 acres the application is granted in part and rejected in part. The part of said 25 acres which is hereby reclassified

2575

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Waitman Zinn, etal vs Board of Zoning Appeals

Case No. Misc. 1318

June 10, 1955-Order reversed the costs warmans Upinion filed. Cp. Henderson, J. XXXX ESST BU DER BESCHARFINKERKEIT

GEORGE L. BYERLY, Clerk.

FILED MAY 29 1953

Petition for reclassification -two parcels, first from an "A" residence zone to an "E" Commercial zone - ss. Smith Avenue 1790 feet from

Appeals of Baltimore County from the Order of the Zoning Commissioner dated May 26, 1953 in the above application for reclassification, and forward transcript

Dated May 29, 1953.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

2575

2575

Date of Posting 4-29-5-3

Date of return 4- 29-53

Charles H. Doing, Esq. Zoning Commissioner Towson 4, Maryland

Zone - as, Sming Avenue, 1790 feet fr Green Spring Avenue, second - from an "A" residence zone to a "C" residence zone - s.s. Smith Avenue 3150 feet East Seven Mile Lane, Third District, Green Spring Manor, Inc., PattMiner

Please enter an appeal in behalf of Harry Schiff to the Board of Zoning of record to the Board of Zoning Appeals of Baltimore County.

being the land upon which the two aeroplane hangars now stand plus sufficient land surrounding them to equal three acres, exclusive of streets and walks and no more. The remainder of said 25 acres shall remain an "A" residence zone except that a special permit to use said remainder or any part thereof for automobile parking in connection with the use of said three acres reclassified is hereby granted, provided that at least 15 acres thereof shall be set aside exclusively for parking and shall be used for no other purpose. The whole of said 52 acres described in said petition is hereby reclassified from an "A" residence mone to "C" residence mone, subject to the approval of the subdivision plan by the Planning Commission of Baltimore County and subject to the requirements of the Zoning Regulations of Ballimore County applicable to "C" residence more

May 26, 1953

PETITION FOR ZONING RE-CLASSIFICATION

25-75=

5/7/53

To The Zoning Commissioner of Baltimore County:

2 3 B We GREEN SPRING MANOR. INC., legal owner of the property situate in the 3rd District of Baltimore County, Maryland, consisting of approximately 265 acres, firmerly known as Curtis-Wright Airport or Pimlico Airport, a portion of said land consisting of two parcels being described as

BRJINNING for the first hereof on the South side of Soith Avenue at a point distant 1750 feet more or less measured westerly along the South side of Saith Avenue France and South South Soit of Saith Avenue France and Soith South Soit of Soith Avenue Westerly 1126 feet binding on the South side of Saith Avenue Westerly 1126 feet when or or less, to the East side of Clarks Lan of feet wide as proposed to the south side of Clarks Lan of Soith Avenue, there believe a proposed street Soit Soith Avenue, there believe a proposed street of Soith vide, thence binding thereon Easterly 1140 feet more or less to the West side of Another proposed street SO feet wide, thence binding thereon Easterly 1140 feet more or less to the West side of Easterly 1140 feet more or less to the Soith Westerly Constituting Soith Soith

of beginning. Containing 25 acres more or less.

BENINING for the second bareef on the South side of anth Avonue at the distance of hows 150.00 feet measured Earlerly from Sewon Mile Lane, and Junning thence Enterly thinding on the South side of Satta Avonue 450 feet the Control of the South side of Satta Avonue 450 feet the Control of the South side of a proposed street of feet wide there workerly binding on the Lent Side of Clarks Lane 600 feet more or less to the South side of a proposed street of feet wide there to be laid out, thence Enterly binding on the Control of the Control

hereby petition that the zoning status of the above firstly described parcel be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence zone to an "E" Conmercial zone and the above secondly described parcel be reclassified pursuant to the Zoning Law of Baltimore County Fran an "A" Residence Zone to "C" Residence zone.

Reasons for Re-Classification: These two parcels are part of the large tract of land comprising approximately 265 acres which, for a long time prior to and after the

enactment of the Baltimore County Zoning law, was used as an airport and commercial flying field. There are two large aeroplane hangars on the property, each 135' x 180', as well as several buildings accessory to the hangars which were on the property prior to the enactment of the Baltimore County Zoning law, that were used for commercial purposes in connection with the flying field and are now being used and occupied by Bendix Aviation Corporation (Radio Division) for commercial purposes as well as part of the land surrounding the said hangars and accessory buildings. The Zoning Law of Baltimore County, in classifying this property for "A" residential use, completely disregarded the fact that this lend was used for commercial purposes at the time said law was enacted. The Petitioner and owner of the entire tract of land which comprised the airport, except for the two parcels of land herein described to be re-classified, plans to develope the said land for residential purposes. The parcel firstly described herein is to be used for continued commercial purposes and will be developed as a neighborhood shopping center to service the many homes that have been and are now being erected, the occupants of the garder apartments to be erected on the lot herein secondly described, as well as the large number of homes that will be erected by the Petitioner and others. There will be ample ingress and ogress facilities by way of wide streets and roads as well as ample parking space for patrons of the shopping area. Surrounding this shopping area on the parcel herein secondly described, the Petitioner desires to erect modern, well planned garden type spartments with proper set-backs, suitable landscaping, wide streets and roads and sufficient parking facilities for private automobiles to accommodate the requirements of the

Property to be posted as prescribed by Zoning Regulations. We agree to pay expenses of above re-classification. advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations

and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

GREEN SPRING MANOR, INC.

By Wax Loodman

Address: 215 North Calvert Street

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day of Cfuil , 1953, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the 12 day of May , 1953, at 2:00 o'clock P. M.

Clast / de , g

Pursuant to the advertisement, posting of property, and public bearing on the above netition and it appearing that

the shows re-classification should be had.

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IT IS CHORRED by the Zoning Commissioner of Baltimore County this day of , 1953, that the above

described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a zone to a____

Zoning Commissioner of Baltimore County

	. an state to the advertisement, posting of property
and publi	c hearing on the above petition and it appearing that
	of
-	
the above	re-classification should NOT be had:
	IT IS ORDERED by the Zoning Commissioner of Baltimore
County, ti	his day of 1053 that the character

be and the same is hereby denied and that the above described

property or area be and the same is hereby continued as and to

Zoning Commissioner of Baltimore County

County Commissioners of Baltimore County

President

ZONING PETITIC

To: Charles H. Doing

5/13 m

From: Malcolm H. Dill

Location - Former Curtis Wright Airport Land on Smith Avenue Present Zoning - "A" Residence

Proposed Zoning - "C" Residence in part & "E" Commercial in part

May 20, 1953

The tracts involved comprise 25 acres for a proposed discoping center and 52 acres are already superiments. The proposed commercial tract, which includes the two former already superiments are proposed commercial tract, which includes the two forest acres are already superiments. The superiments are already superiments are already superiments are already superiments are already superiments. The superiments are already superiments are already superiments are already superiments are superiments are already superiments. The superiments are superiments. The proposed dependent superiments are superiments are superiments are superiments are superiments.

The suite receive, of which is across in question forms the corth central portion, likes partly in the City and party in the Downty. About two years and the house provided in the control of the control

On the strength of the rather limited land use and street studies onds at that they the only use that spread practicable for the hunger buildings was to try to dept the only use that spread practicable for the hunger buildings was to try to dept the studies of the studies along and shows half with the in since a street of 11,6 stores was along would not have been so the thrested bounding the truck on all studies. Since that then, there has been only all thrested bounding the truck on all studies. Since that then, there has been only all thrested bounding the truck of all studies of the studies of th

boring lysums and Falles bad, for an anti-sirver's invalidation.

Herly this year a puttient in clint for resoning to commercial, for a regional acceptance of the control of the control

dinos the writing of my ristement about the regional shopping center site last before any over land use study that periods this area and nove careful bilinking has been done about it then and previously area of the periods of the period of the periods of the period of the periods of the period of the periods of the periods of the period of the periods of the periods of the period of the periods of the periods of the periods of the periods of the period of the periods of the period of the periods of the periods of the periods of the periods of

To reject to commercial development erround the images buildings, there are certain factors that make this a less estitible location for a shopping center than either the proposed regional center neth of faith larmon of the control of the center of the c

shopping centur.

In regard to the garden spartness reaching by first communit is that the plat plan
in presented leaves out the crisical scholars, by first community that the plat plan
in presented leaves out the crisical scholars of the second scholars of the control of the

A further significant expect of this matter has to do with the possibility of future requests for recording to hesidence we teen that even has been recorded by Residence vol., the development have indicated their intended and the second productively leaded by replication project with about 10 families to the gross are a consistency leaded by replication project with about 10 families to the gross are a constraint of the families the indicate the process of mind might not cover, particularly if the intermediate the present of the process of the process of the process are well as proceed as the process of the proces

In summary, I note that appear to be the major planning factors in making a decision on this petition.

). Easter or not say of the rescaling of other areas be granted, it appears important to withhelf replacefiretion of the treat at the northwest entering the control of the section of the

2. Regarding the shopping center proposal, even though the retual commercial area researchy requested was pured doom at the hearing to three sames (to a second by Fig. 2 areas of printing under a special parent), it is one of relating that the set of the same of the

It appears that the request for resoning to garven apartments in excessive in scope of area and is pressure in view of the present lack of provision for Federal financing of such projects.

is. The layout plan as presented in connection with this position is appeared by different from that presented at previous discounters. In the light of recent hand use studies, I think it would be shrimble for further or and the same of the forest plan of the same of th

oc: Alonso Decker, Jr. W. W. MacVicar Augustine J. Muller

Malcolm H. Dill. Director.

June h. 1663

MECHINED of Marry Schiff the sum of Twenty Two (\$22,00) Dellars, being cost of appeal to the Board of Zoming Appeals From the decision of the Zoning Commissioner rendered in the matter of reclassification of property on South side Crith Avenue, 3150 feet East of Seven Nile Lane, Green Spring Hance, Inc., petitiomr.

Coming Commissioner

PAID JUN 4 - 53 OF BALTIMORE COUNTY April 24, 1953

\$61.00

RECEIVED Examual Corfine, Attorney for Green Spring Manor, Incorporated, patitioner, the sum of Sixty One (\$62.00) Pollars, being cost of patition for reclassification, advertising and posting property, two parcels, south side of Smith Avenue, 3rd District.

> Zoning Commissioner of Haltimore County

Hearing:

Wednesday, May 13, 1953

at 2100 p. m.

basement of Reckord Eldg., Towson, Md.



January 18, 1954

\$10.90

RECEIVED of Service Realty, Inc., the sum of \$10.20 being cost of certified copies of petition and other papers filed in the matter of reclassification of property, south side of Smith Avenue, 3rd District, Orean Spring Manor, Inc., petitioner.

Zoning Comissioner



NO PLAT IN THIS FOLDER